IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.6594 of 2007

Dated: June 12, 2007

Between:

Dr. Ellendrula Srinivas, S/o. E. Venkatesham,
Aged 43 years, Occ: Civil Asst. Surgeon/Medical Officer, Upgraded Primary Health Centre,
Nanganoor, Medak District.

… Petitioner

And

The State of Andhra Pradesh, rep. by its Principal Secretary, Medical Education Department, Secretariat Building,
Hyderabad, and others.

… Respondents

Order:

Petitioner, a Civil Assistant Surgeon / Medical Officer, has filed this Writ Petition seeking Mandamus to declare the action of the respondents in not considering his claim as in-service doctor for the

purpose of admission into P.G. Medical Course for the academic year 2007-08 as arbitrary and illegal.

2. In the affidavit filed in support of the Writ Petition, it is stated that petitioner was appointed as Civil Assistant Surgeon / Medical Officer on contract basis in Government service in the year 2002 by following regular selection process. Pursuant to the notification issued by Dr. N.T.R. University of Health Sciences, Vijayawada for admission into P.G. Medical Courses for the academic year 2007-08, petitioner appeared in the entrance test and was declared successful. His grievance is that though he was appointed in the year 2002 and has been discharging duties, the service rendered by him is not being taken into account for the purpose of calculating rural/tribal service and he is not being treated as an in-service candidate for the purpose of admission into the said course.

3. Admissions to P.G. Medical Courses are governed by the regulations framed by Dr. N.T.R. University of Health Sciences, Vijayawada. Under the said regulations, definition of in-service candidates eligible under service quota is given in Explanation 1 to Regulation 5.10.3, which reads as under:

> "Inservice candidate means a candidate who has put in
>
> (a) 2 years of continuous regular tribal service
> (or)
> (b) 3 years of continuous regular rural service
> (or)
> (c) 6 years of continuous regular service."

4. As per the said regulations, in-service candidate means a candidate who has put in two years of continuous regular tribal service or three years of continuous regular rural service or six years of continuous regular service.

5. Petitioner was initially appointed on contract basis in the year 2002 and he was regularly appointed on 07-02-2007. In that view of the matter, he does not fall under the definition of 'in-service candidate' either under the regulations referred above or under the rules framed under G.O.Ms.No.272 dated 10-07-2006 in exercise of powers under Sections 3 to 15 of the Andhra Pradesh Educational Institutions (Regulation of Admissions and Prohibition of Capitation Fees) Act, 1993. Hence, no relief as sought for can be granted.

6. The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

June 12, 2007
MRR